

REMARKS

In response to the Office Action mailed July 16, 2003, Applicants respectfully request reconsideration based on the above claim amendments and the following remarks. Applicants respectfully submit that the amendments and remarks contained herein place the instant application in condition for allowance.

In the Office Action, claims 1-9 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent 6,223,348 to Hayes et al. ("Hayes"). For the reasons set forth hereinbelow, Applicants respectfully request that the rejections associated with claims 1-9 be withdrawn.

Applicants have herein amended independent claim 1 to clarify that the device includes a motion detector in communication with the processor and a directional mode indicator in communication with the processor, the directional mode indicator for indicating the mode of operation of the device based on a signal generated by the motion detector.

Applicants submit that amended claim 1 is not anticipated by Hayes because Hayes fails to disclose, teach or suggest each and every element of amended claim 1. *See MPEP § 2131* (stating that a claim is anticipated only if each and every element as set forth in the claim is disclosed in a single prior art reference).

Hayes is directed to a universal remote control with a releasable readable media storage device. *See Hayes, col. 1, ll. 5-10*. However, Applicants submit that nowhere does the Hayes reference disclose, among other things, a motion detector and a directional mode indicator in communication with a processor, as recited in claim 1.

The Office Action identifies Figure 5A, 5B and col. 6, lines 27-31 of Hayes as disclosing a microprocessor, an infrared driver or transmitter, an IR receiver, and a smart card connector.

As is plainly evident, neither the figures nor the cited passage disclose, teach or suggest a motion detector and a directional mode indicator. Rather, the figures and the cited passage from Hayes only concern a remote control with a reader slot for receiving a smart card, and thus do not disclose this feature of claim 1.

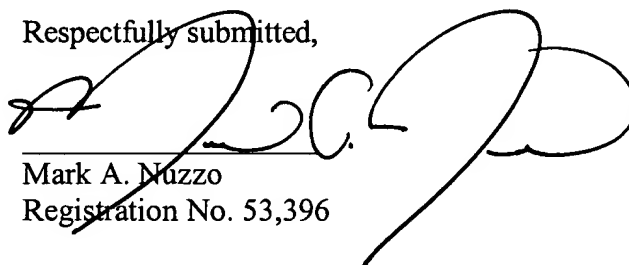
Therefore, Applicants submit that claim 1 is not anticipated by Hayes because the reference does not disclose all the elements of claim 1. Therefore, Applicants submit that claim 1, as well as claims 2-6, depending therefrom, are not anticipated by the reference cited in the Office Action.

Independent claim 7 has also been amended to contain language similar to claim 1. Therefore, for reasons analogous to those set forth previously with respect to claim 1, Applicants submit that independent claim 7, as well as its respective dependent claims, are not anticipated by the cited reference. Accordingly, Applicants respectfully request that the § 102 rejections associated with claims 1-9 be withdrawn.

CONCLUSION

Applicants respectfully request a Notice of Allowance for the pending claims in the present application. If the Examiner is of the opinion that the present application is in condition for disposition other than allowance, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below in order that the Examiner's concerns may be expeditiously addressed.

Respectfully submitted,

A large, stylized handwritten signature in black ink, likely belonging to Mark A. Nuzzo, is written over the typed name and registration number.

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